

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
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March 13, 1990

OPINION NO. U90-49

Legality of an Emergency Communications District Contracting
with a Private Organization for Answering and Dispatching
Emergency Calls to Agencies

QUESTION

Whether it is legal for an emergency communications
district to contract with a private organization for answering
and dispatching emergency calls to agencies.

OPINION

No.

ANALYSIS

The Emergency Communications District Law, T.C.A.
§§7-86-101--7-86-151 (1985 & Supp. 1989), governs the creation
and operation of emergency communications districts. Pursuant
to T.C.A. §7-86-104, a municipal or county legislative body can
create an emergency communications district, but only after
submitting the question of creating such a district to the
voters. If a majority of the voters approve of establishing an
emergency communications district, T.C.A. §7-86-105 allows for
the appointment of a board of directors to run the district.

Pursuant to T.C.A. §7-86-107(a), the board of
directors "shall create an emergency communications service
designed to have the capability of utilizing at least one of"
four response methods for connecting the caller with needed
emergency services. Depending on the response method, the

answering point may directly dispatch emergency service units, refer or transfer the caller to the appropriate public safety agency, or relay the information to the appropriate public safety agency. See T.C.A. §7-86-103.


T.C.A. §7-86-105(g) states:

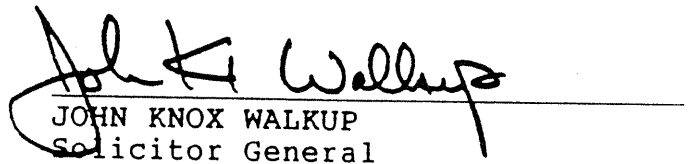
The board shall have authority to employ such employees, experts, and consultants as it may deem necessary to assist the board in the discharge of its responsibilities to the extent that funds are made available.

A prior opinion of this office, Op. Tenn. Atty. Gen. 85-205 (June 27, 1985), interpreted T.C.A. §7-86-105(g) to give a board the authority to hire and manage the employees needed to operate an independent answering point. (An independent answering point is one which is not part of an existing public safety agency.) The opinion further concluded that, under the Interlocal Cooperation Act, T.C.A. §§12-9-101--12-9-109 (1987), a board could enter into a joint venture or contract with an existing public safety agency to perform the answering point functions.

The language of T.C.A. §7-86-105(g) gives the board the authority to "employ" anyone needed to carry out the board's responsibilities. There is no mention of contracting out for needed services. Under the Interlocal Cooperation Act, the board can work through an existing public safety agency. Such an arrangement would jibe with the board's purpose since the answering point is designed to connect the caller with the appropriate public safety agencies.

This office knows of no authority which would allow an emergency communications district to contract with a private organization to act as the answering point for emergency calls. Therefore, it is the opinion of this office that a board does not have the authority to contract with a private organization to perform the responsibilities entrusted to the board.


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